COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

New England Telephone and Telegraph Company, d/b/a Bell Atlantic-Massachusetts – Section 271 of the Telecommunications Act of 1996 Compliance Filing	)))	D.T.E. 99-271

COMMENTS IN SUPPORT OF MOTION TO ADJUST MASTER TEST PLAN AND TO CLARIFY PROCEDURAL SCHEDULE

RCN-BecoCom, LLC ("RCN"), a party in the above-captioned matter, in response to a Memorandum issued by Hearing Officer Carpino on April 4, 2000, by the undersigned counsel, herewith responds to the Motion filed by AT&T Communications of New England, Inc. ("AT&T") on March 24, 2000 (the "Motion."). In its Motion, AT&T asked the Department to modify the Master Test Plan by directing KPMG to conduct its volume test for pre-order, order, and provisioning on the Local Service Ordering Guidelines Release 4 ("LSOG 4") and to insert into the procedural schedule in this proceeding a 90-day commercial availability period, following KPMG's testing and issuance of the final report. RCN fully supports the Motion.

Both of AT&T's requests are well justified by the logic of present circumstances. Inasmuch as LSOG 4 is now available for OSS functions, no delay would be incurred, as might previously have been the case, in applying KPMG's testing to the LSOG 4 systems. Apart from the delay issue, it is clear that KPMG's testing should be of current and forward-going systems, rather than of the pre-LSOG 4 system which, presumably, is now a thing of the past.

The merits of AT&T's second request are equally clear. Like many other CLECs operating in New York, RCN's affiliate objected to FCC approval of Bell Atlantic's New York § 271 application on the ground, *inter alia*, that Bell Atlantic was not ready to deal with the volume of requests it would receive. Events proved, unfortunately, that the CLECs had been

correct in their assessment. Indeed, Bell Atlantic itself sought from this Commission a delay in filing further comments in this docket partially on the ground that the necessity to deploy personnel to correct its dramatic post-approval deficiencies in New York made it impossible for Bell Atlantic to meet the previously-mandated schedule in this proceeding.[1] One might have thought that Bell Atlantic would have been better able to assess its ability to handle CLEC requests in New York, and that it would have had the prudence to establish sufficient resources to address CLEC needs simultaneously in more than one market.

Nevertheless, with this object lesson in Bell Atlantic's poor planning and inadequate training and resource allocation, AT&T's request for a 90-day test of the commercial environment in addition to KPMG's testing, is well justified. While the addition of a 90-day commercial testing period will have the effect of delaying Department action on Bell Atlantic's § 271 Compliance Filing, that is a problem fully and unambiguously attributable to Bell Atlantic's own faulty preparation for meeting its § 271 obligations. On the other hand, the CLECs who have been injured in New York, and who, in all likelihood will be injured in Massachusetts if Bell Atlantic's performance here is no better than its post § 271 approval performance in New York, should be protected by all reasonably prudent measures against such injury. One such measure would be a practical test, with CLECs (and Bell Atlantic, of course), having an opportunity to assess the results of the 90-day test on the public record, prior to the Department's final ruling on Bell Atlantic's request for a favorable § 271 finding. Not only would such an opportunity permit this Department to more fully and accurately gauge Bell Atlantic's performance, but equally valuable would be the incentive it presents to Bell Atlantic to commit the necessary resources to assure that the 90-day test is successful.

Accordingly, for the reasons set forth above and as elaborated in AT&T's Motion, RCN fully supports the grant of such Motion.

Respectfully submitted,

[1] Letter of Bell Atlantic to Cathy Carpino dated March 6, 2000.

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